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INSTRUMENT PREPARED BY  
VIRGINIA GAS AND OIL BOARD

ORDER RECORDED UNDER CODE  
OF VIRGINIA SECTION 45.1-361.26

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

APPLICANTS: Harrison-Wyatt, LLC )  
Elmer James Jackson, Ettie Mae Hill, Paul )  
Jackson, Agnes Hurley, Linda Ruth Gilbert, )  
Lois Kate Boyd, Ira Roger Jackson, )  
Rhonda Renee Gilbert, Richard Jackson )  
McHenry, Sally A. Hartzler, Opal Coleman, )  
Burton Eugene Owens, Darlene Owens )  
Mullins, Sadie Coleman Peters, Herman )  
Coleman, Mae Coleman Shortridge, Delmar )  
Osborne )

This document is being  
re-recorded to include  
signatures that were  
omitted from the  
document originally  
recorded as Instrument  
No. 080000259

DOCKET NO.  
91-0430-0116-02

RELIEF SOUGHT: Issuance of an Amended Supplemental )  
Order Amending Prior Orders Affecting )  
Drilling Unit AA-9 Located in the Oakwood )  
Coalbed Methane Gas Field , )  
Buchanan County, VA (herein "Subject )  
Drilling Unit" to Provide: )  
(1) Calculation of Funds Unit Operator )  
Deposited into the Escrow Account for )  
Subject Drilling Unit by Tract Subaccounts; )  
(2) to Applicants, a Royalty Accounting; and )  
(3) Disbursement to Applicants )  
in Accordance with Their Ownership )  
Interests Those Funds Deposited by the )  
Unit Operator into Subject Drilling Unit's )  
Escrow Subaccount for VGOB Tract 2C)

REPORT OF THE BOARD

FINDINGS AND ORDER

1. **Hearing Date and Place:** This matter came on for hearings before the Virginia Gas and Oil Board (herein "Board") on June 19, 2007 at the Southwest Virginia Higher Education Center on the campus of Virginia Highlands Community College, Abingdon, VA.
2. **Appearances:** Mark Swartz, Esq. of the firm Swartz and Stump L.C. appeared for the Unit Operator.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract subaccounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that: (1) while it does not have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it

does not have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, the Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting claimants or an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein.

4. **Prior Proceedings:**

- 4.1. On May 31, 1991, the Board executed its order pooling all interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code §§ 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Buchanan County on June 6, 1991 in Deed Book 375 at page 758. The Board designated Oxy, USA, predecessor of CNX Gas Company, L.L.C., as the Unit Operator of the Subject Drilling Unit. The Pooling Order was amended and supplemented by the Board's Supplemental Order Regarding Elections executed on October 20, 1993 that was filed with the Clerk's Office on October 29, 1993 in Deed Book 415 at page 284 ("Supplemental Order")(hereafter the Pooling Order and the Supplemental Orders are collectively referred to as the Pooling Orders). On March 9, 2006, the Board executed an order for disbursement of escrowed funds to certain owners of VGOB Tract 1B that was filed with the Clerk's office on March 13, 2006 as instrument number 06-0000780.
- 4.2. To the extent claims to the Gas were in conflict, pursuant to Va. Code § 45.1-361-22 payments attributable to said conflicting claims/interests were ordered deposited by the Unit Operator into the escrow account established by the Pooling Order (herein "Escrow Account"). According to the Pooling Order, the coal fee ownership of Harrison-Wyatt, L.L.C. and the oil and gas fee ownership of Elmer James Jackson, Ettie Mae Hill, Paul Jackson, Agnes Hurley, Linda Ruth Gilbert, Lois Kate Boyd, Ira Roger Jackson, Rhonda Renee Gilbert, Richard Jackson McHenry, Sally A. Hartzler, Opal Coleman, Burton Eugene Owens, Darlene Owens Mullins, Sadie Coleman Peters, Herman Coleman, Mae Coleman Shortridge and Delmar Osborne or their predecessors in title in a 24.06 acres tract known as VGOB Tract 2C in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3. The Unit Operator's Amended Miscellaneous Petition to the Board, received October 25, 2004, a copy of which is attached to and made a part hereof, and sworn testimony attested that Harrison-Wyatt, LLC and Elmer James Jackson, Ettie Mae Hill, Paul Jackson, Agnes Hurley, Linda Ruth Gilbert, Lois Kate Boyd, Ira Roger Jackson, Rhonda Renee Gilbert, Richard Jackson McHenry, Sally A. Hartzler, Opal Coleman, Burton Eugene Owens, Darlene Owens Mullins, Sadie Coleman Peters, Herman Coleman, Mae Coleman Shortridge and Delmar Osborne have entered into royalty split agreements and that by terms of that agreements, escrow regarding the conflicting claims of said parties is no longer required.
- 4.4. Petitioner gave notice to Harrison-Wyatt, LLC and Elmer James Jackson, Ettie Mae Hill, Paul Jackson, Agnes Hurley, Linda Ruth Gilbert, Lois Kate Boyd, Ira Roger Jackson, Rhonda Renee Gilbert, Richard Jackson McHenry, Sally A. Hartzler, Opal Coleman, Burton Eugene Owens, Darlene Owens Mullins, Sadie Coleman Peters, Herman Coleman, Mae Coleman Shortridge and Delmar Osborne that the Board would take the petition referred to in Paragraph 4.4 above under consideration at its hearing. Notice stated that the Board would consider whether to: (1) amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract 2C; (2) delete the requirement that the Unit Operator place future royalties attributable to the above-named parties in Tract 2C in the Escrow Account, and (3) continue the escrow account under this docket number because parties other than those seeking disbursement under this order are subject to escrow.
- 4.5. The Unit Operator gave sworn testimony that CNX Gas Company, LLC has erroneously deposited the sum of \$2,316.57 into the escrow sub-account for the Subject Unit. The erroneously deposited funds should have been paid directly to a royalty owner.

- 4.6. The Unit Operator filed the attached accountings for Subject Drilling Unit's Escrow Account with the Board ("Accountings").

5. **Findings:**

- 5.1. Va. Code 45.1-361.22.5 provides:

*The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tract in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.*

- 5.2 The Petitioner has certified and represented to the Board that:

- (1) Harrison-Wyatt, LLC is the owner of 100% of the coal estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (2) Elmer James Jackson is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Ettie Mae Hill is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Paul Jackson is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Agnes Hurley is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Linda Ruth Gilbert is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Lois Kate Boyd is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Ira Roger Jackson is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Rhonda Renee Gilbert is the owner of 1/864 of the oil and gas estate underlying VGOB Tract 2C, Richard Jackson McHenry is the owner of 1/1728 of the oil and gas estate underlying VGOB Tract 2C, Sally A. Hartzler is the owner of 1/1728 of the oil and gas estate underlying VGOB Tract 2C, Opal Coleman is the owner of 1/96 of the oil and gas estate underlying VGOB Tract 2C, Burton Eugene Owens is the owner of 1/192 of the oil and gas estate underlying VGOB Tract 2C, Darlene Owens Mullins is the owner of 1/192 of the oil and gas estate underlying VGOB Tract 2C, Sadie Coleman Peters is the owner of 1/96 of the oil and gas estate underlying VGOB Tract 2C, Herman Coleman is the owner of 1/96 of the oil and gas estate underlying VGOB Tract 2C, Mae Coleman Shortridge is the owner of 1/96 of the oil and gas estate underlying VGOB Tract 2C, and Delmar Osborne is the owner of 1/60 of the oil and gas estate underlying VGOB Tract 2C Robert A. Rash is the owner of 100% of the oil and gas estate underlying VGOB Tract 2C of the subject Drilling Unit.
- (3) Harrison-Wyatt, LLC and Elmer James Jackson, Ettie Mae Hill, Paul Jackson, Agnes Hurley, Linda Ruth Gilbert, Lois Kate Boyd, Ira Roger Jackson, Rhonda Renee Gilbert, Richard Jackson McHenry, Sally A. Hartzler, Opal Coleman, Burton Eugene Owens, Darlene Owens Mullins, Sadie Coleman Peters, Herman Coleman, Mae Coleman Shortridge and Delmar Osborne have entered into royalty split agreements specifying that escrowed funds attributable to their conflicting interests are to be divided with 50% going to the gas owner and 50% going to the coal owner, and also specifying that future royalties be paid directly to the owners according to the split agreement.
- (4) The Unit Operator, CNX Gas Company, LLC, is due a refund of \$2,316.57 representing funds erroneously deposited in the escrow sub-account attributable to the Subject Unit.
- (5) The net interests attributable and to be disbursed to Applicants in Tract 2C are shown in Table 1, below.

24

Tract # 1B Owner Names	% interest in VGOB 90-1010-0116 balance
Harrison -Wyatt, LLC C/O Wyatt Buick Pontiac 2521 Riverside Dr. Danville, VA 24540	2.1209%
Elmer James Jackson P. O. Box 415 Vansant, VA 24656	0.0310%
Ettie Mae Hill P. O. Box 134 Grundy, VA 24614	0.0310%
Paul Jackson P. O. Box 117 Davenport, VA 24239	0.0310%
Agnes Hurley Rt. 1 Box 392 Vansant, VA 24656	0.0310%
Linda Ruth Gilbert Rt. 1 Box 408 Vansant, VA 24656	0.0310%
Lois Kate Boyd P. O. Box 685 Vansant, VA 24656	0.0310%
Ira Roger Jackson P. O. Box 1079 Vansant, VA 24656	0.0310%
Rhonda Renee Gilbert P. O. Box 26 Davenport, VA 24239	0.0310%
Richard Jackson McHenry 8545 Maineville Road Maineville, OH 45039	0.0155%
Sally A. Hartzler 7296 Apple Creek Rd. Sterling, OH 44276	0.0155%
Opal Coleman 18988 I-18 Continental, OH 45831	0.2791%
Burton Eugene Owens P. O. Box 1933 Grundy, VA 24614	0.1395%
Darlene Owens Mullins 138 Rosedale Heights Lane Rosedale, VA 24280	0.1395%
Sadie Coleman Peters 301 Falls St. Defiance, OH 43512	0.2791%

<b>TABLE-1</b>	
Tract # 1B Owner Names	% interest in VGOB 90-1010-0116 balance
Herman Coleman 1417 Fairfax Rd. Bellevue, NE 68005	0.2791%
Mae Coleman Shortridge 53 Twin Circle Lebanon, VA 24266	0.2791%
Delmar Osborne P. O. Box 2625 Grundy, VA 24614	0.4465%

6. **Relief Granted:**

For the reasons set forth in Paragraphs 4 and 5 above, and based upon the Accounting, the Escrow Agent is ordered to, within 10 days of receipt of this executed order: (1) Disburse the sum of \$2,316.57, being refund of funds erroneously deposited in the sub-account attributable to the Subject Unit, to:

CNX Gas Company, LLC  
2481 John Nash Blvd.  
Bluefield, WV 24701

(2) From the remaining sub-account balance after refund of \$2,316.57 to CNX Gas Company, LLC, disburse escrowed funds attributable to VGOB Tract 2C to Applicants according to the percentages shown in Table 1, above, and mail attributable proceeds to the addresses shown in the table.

Exhibits to the Pooling Order, showing owners subject to escrow, are deleted in toto and replaced with the Exhibit E attached to the petition. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of Applicants in Tract 2C be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

7. **Conclusion:**

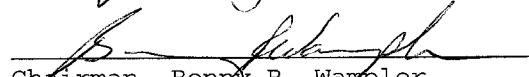
Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and IT IS SO ORDERED.

8. **Appeals:**

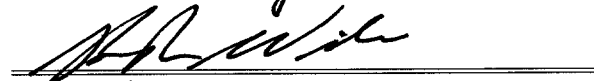
Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

9. Effective date: This order shall be effective as of its date of execution.

DONE AND EXECUTED this 31<sup>st</sup> day of January, 2008, by a majority of the Virginia Gas and Oil Board.

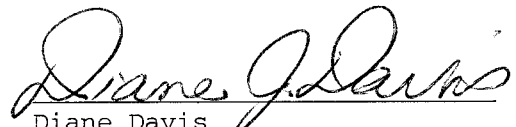
  
Chairman, Benny R. Wampler

DONE AND PERFORMED this 31<sup>st</sup> day of January, 2008, by Order of this Board.

  
B. R. Wilson  
Principal Executive To The Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA       )  
COUNTY OF WASHINGTON   )

Acknowledged on this 31<sup>st</sup> day of January, 2008, personally before me a notary public in and for the Commonwealth of Virginia, appeared Benny Wampler, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and B. R. Wilson, being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that they executed the same and was authorized to do so.

  
Diane Davis  
Notary Public 174394

My commission expires: 9/30/09